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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,722	01/18/2000	Seiichi Kobayashi	FUJI 16.959	1025

7590 10/06/2003

K M Z Rosenman
575 Madison Avenue
New York, NY 10020

EXAMINER

VOLPER, THOMAS E

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/484,722

Applicant(s)

KOBAYASHI, SEIICHI

Examiner

Thomas Volper

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9 and 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takihiro et al. (US 5,777,994) in view of Suzuki (US 5,796,736).

Regarding claim 9, Takihiro discloses a transmission apparatus comprising a switch, a LAN interface, an ATM interface and a management and control block interface (see Figure 1). Figure 1 also shows a segmentation and reassembly function (161) that meets the limitations of a second cell assembly and disassembly unit accommodated inside the apparatus. An ATM LAN (2) and Legacy LAN (3) may communicate with each other under control of the bridging/routing management function (115) in the management and control block (11) and by using virtual channels through switch fabric (13) (col. 6, line 63 – col. 7, line 35). The virtual channels represent logically defined paths. Takihiro fails to expressly disclose a first or second user network management system and a first cell assembly and disassembly unit accommodated outside of the apparatus. Takihiro fails to disclose that the management function is an agent process and also fails to disclose a path permanently set in the switch. Suzuki discloses a network configuration management system capable of recognizing configuration of a LAN coexisting with an ATM (col. 4, lines 7-10). Suzuki discloses a first network management

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system (NMS-A) disposed in an ATM network and a second network management system (NMS-B) disposed in a LAN, more specifically an Ethernet. NMS-A is an ATM terminal (col. 6, lines 56-58), and it is well known in the art that any ATM terminal must have some type of cell assembly and disassembly device in order to communicate on an ATM network. This meets the limitation of a first cell assembly and disassembly unit external to the switch. Suzuki discloses that an SNMP agent is installed in an ATM switch (col. 7, lines 27-30). Suzuki also discloses that communication on the ATM network uses a PVC/SVC (col. 6, lines 45-54). As is well known in the art, PVC stands for permanent virtual channel, or circuit. This meets the limitation of setting a permanent path in a switch. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include NMS-A and NMS-B of Suzuki in the ATM LAN (2) and Legacy LAN (3) of Takihiro, respectively. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use an SNMP agent to manage the switch in the invention of Takihiro. It also would have been obvious to communicate through the switch fabric (13) of Takihiro using a permanent virtual circuit. One of ordinary skill in the art would have been motivated to do this because NMS-A and NMS-B would be able to provide the bridging/routing management function (115) with information about the respective networks that would be necessary for switching connections therebetween. One of ordinary skill in the art would have been motivated to use an SNMP agent to manage the switch because SNMP is a widely used standard protocol. One of ordinary skill in the art would have been motivated to use a permanent path through the switch to guarantee bandwidth for management information.

Regarding claims 2-4, the teaching provided by Takihiro et al. in view of Suzuki with respect to claim 9 above meets the limitations of a resource management information path for resource management of cell assembly and disassembly units both internal and external to the transmission apparatus.

Regarding claims 5 and 6, Takihiro fails to disclose a controller that uses a format understandable by the agent, whereby the controller and agent communicate via an external interface. Suzuki discloses an embodiment wherein a SNMP agent may simultaneously manage a plurality of ATM switches (col. 13, lines 56-61). A controller, or proxy agent may be installed at those switches that do not have an SNMP agent. A controller and SNMP agent communicate via an independent interface (col. 13, line 62 – col. 14, line 18). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the controller in the apparatus provided by the teaching of Takihiro et al. in view of Suzuki provided with respect to claim 9. It would have been obvious to have more than one switch composing the apparatus as well. One of ordinary skill in the art would have been motivated to use the controller as an economic alternative to having every switch in the ATM network outfitted with an SNMP agent. One would have been motivated to include more than one switch in the apparatus because most ATM networks are large enough to require more than one switch.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takihiro et al. (US 5,777,994) in view of Suzuki (US 5,796,736), as applied to claims 9 and 2-6 above, and further in view of Song (US 6,289,018).

Regarding claim 7, Takihiro et al. in view of Suzuki fails to expressly disclose a resource management of a facility node in an STM transmission. Song discloses a multimedia handling node that uses the same hardware and software platform to accommodate both a STM node and an ATM node (col. 4, lines 6-25). An STM module interworks with an ATM module by way of a CLAD (see Fig. 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the transmission apparatus provided by Takihiro et al. in view of Suzuki to manage the combined ATM and STM node of Song. One of ordinary skill in the art would have been motivated to do this in order to allow diverse types of communications on the network.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takihiro et al. (US 5,777,994) in view of Suzuki (US 5,796,736), as applied to claims 9 and 2-6 above, and further in view of Song (US 6,289,018) and Biegel et al. (US 5,608,720).

Regarding claim 8, Takihiro et al. in view of Suzuki fails to expressly disclose a transaction language (TL1), which performs a facility node resource management in an STM transmission and a CMISE. Song discloses a STM node to allow STM transmission as aforementioned with respect to claim 7. Biegel discloses a network element that supports both TL1 and CMISE interfaces to communicate messages to agents and subagents (col. 1, lines 21-31). At the time the invention was made, one of ordinary skill in the art would have been motivated to include both a TL1 and CMISE interface in the transmission apparatus provided by Takihiro et al. in view of Suzuki. One of ordinary skill in the art would have been motivated to do this in order to support communication in both non-OSI and OSI architectures.

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Response to Arguments

5. Applicant's arguments with respect to claims 9 and 2-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shibuya (US 2002/0061017) Digital One-Link Relaying System for Communication Data in a Cell Transmission Network

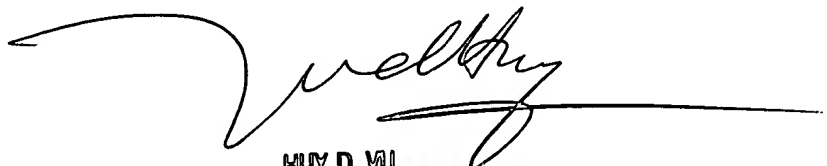
7. Any inquiry concerning this communication, or earlier communications from the examiner should be directed to Thomas Volper whose telephone number is 703-305-8405 and fax number is 703-746-9467. The examiner can normally be reached between 8:30am and 6:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached at 703-308-6602. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Thomas E. Volper

TEV

September 30, 2003



HUY D. VU
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